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Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KIM POPOW,

Plaintiff,

vs.

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,¹

Defendant.

Case No.: 2:20-cv-01801-JAD-BNW

**UNOPPOSED MOTION FOR EXTENSION OF
TIME**

(SECOND REQUEST)

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 Defendant, the Acting Commissioner of Social Security (the “Commissioner”), through the
 2 undersigned counsel, hereby requests an extension of time to file her Cross-Motion to Affirm and
 3 Response to Plaintiff’s Motion for Reversal and/or Remand in this case. The current deadline is
 4 September 15. This is a second request.

5 Good cause exists to grant the instant request because the parties are engaged in settlement
 6 discussions. At this time, Defendant’s counsel is waiting to hear back from Plaintiff’s counsel about an
 7 offer of settlement. If the parties are unable to agree on the terms of settlement, the undersigned will
 8 require additional time to prepare her response to Plaintiff’s motion. The undersigned currently has 12
 9 other cases in which a responsive motion is due, with four other briefs due on or before September 29.
 10 However, if settlement is not reached, the undersigned will prioritize this case over many others and will
 11 endeavor to complete a responsive brief, by October 1, 2021.

12 The undersigned is mindful of the Court’s statement in the order granting the previous extension
 13 that Plaintiff has an interest in the expeditious resolution of this matter, and that the Court will not
 14 continually grant extensions. However, the Commissioner notes that Plaintiff requested three extensions
 15 for her motion, which the Commissioner did not object to. Moreover, counsel for both parties have had
 16 serious and lengthy discussions concerning settlement in the hopes that further motion practice would not
 17 be required. Counsel affirms that this request is made in good faith and is not intended to delay the
 18 proceedings in this matter. Counsel further affirms that she has conferred with Plaintiff’s counsel, who
 19 has no opposition to the request for an extension.

20 WHEREFORE, Defendant requests until October 1, 2021, to respond to Plaintiff’s Motion for
 21 Reversal and/or Remand.

22 //

Order

23 //

IT IS SO ORDERED

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DATED: 1:18 pm, September 14, 2021

25 //

26 //

BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

1 Dated: September 13, 2021

2 CHRISTOPHER CHIOU
3 Acting United States Attorney

4 /s/ Allison J. Cheung
5 ALLISON J. CHEUNG
6 Special Assistant United States Attorney
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CERTIFICATE OF SERVICE

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 160 Spear Street, Suite 800, San Francisco, California 94105. I am not a party to the above-entitled action. On the date set forth below, I caused service of **UNOPPOSED MOTION FOR EXTENSION OF TIME** on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which provides electronic notice of the filing:

Shayne L. Wulterin
shayne@fwhb.com
Attorney for Plaintiff

Kevin Lazar
Klazar@fwhb.com
Attorney for Plaintiff

I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 13, 2021

/s/ Allison J. Cheung
ALLISON J. CHEUNG
Special Assistant United States Attorney